

REMARKS**Status of the claims**

Claims 17-18 have been amended to conform the claims to the scope of the invention identified as being examined by the Examiner, to provide proper dependency, and to correct minor matters. Claims 16, 20-30, and 33-43 have been amended to depend (directly or indirectly) from claims 17 and 18. Support for the amendments can be found throughout the application as originally filed. In addition, claims 1-15 and 19 have been cancelled (without prejudice or disclaimer of the subject matter thereof). No new matter has been added.

Claims 21-30, 33-40, and 43 were previously indicated to be withdrawn from consideration as allegedly directed to non-elected inventions (as discussed below, Applicant request rejoinder and examination of these claims).

Therefore, upon entry of this amendment, claims 16-18, 20-30 and 33-43 are pending in the application, claims 21-30, 33-40, and 43 are withdrawn, and claims 16-18, 20, 41 and 42 are under consideration.

Applicants note with appreciation the indication in the Office Action that certain claimed subject matter is free of the art of record, and request further consideration of the application in view of the amendments and remarks presented herein.

Rejection of claims under 35 U.S.C. §112, second paragraph

In the Office Action, claims 1-20, 41 and 42 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. This rejection is traversed.

According to the Office Action, “‘H’ in claim 1, has several representations . . . rendering the claims confusing and therefore indefinite.” Applicants disagree and consider that the claims as previously pending were not indefinite. However, Applicants note that the pending claims do not recite the variable mentioned in the Office Action, and therefore consider that the rejection is moot and that the claims as amended are clear and are not indefinite.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Rejection of claims under 35 U.S.C. §102

In the Office Action, claims 1-20, 41 and 42 were rejected as allegedly anticipated by one or more of Arkin, U.S. Patent Publication No. 2003-0149049; Chalquest, PCT Publication No. WO 01/0054498; Herbert, PCT Publication No. WO 00/025768; Brown, U.S. Patent No. 3,991,064; and/or Rigby, U.S. Patent Publication No. 2002-00773377. These rejections are traversed.

Without agreeing with the rejections, Applicants note that the Examiner indicated in the Office Action that the rejections would be overcome if the claims were amended “as set forth . . . under Status of Claims [in the Office Action].” As noted above, claims 1-15 have been cancelled, and claims 17 and 18 have been amended to, *inter alia*, conform the claims to the scope of the invention identified as being examined by the Examiner. Claims 16, 20, 41 and 42 depend (directly or indirectly) from claims 17 and 18. Applicants therefore submit that the rejections have been overcome as to all of pending claims 16-18, 20, 41 and 42.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Rejection of claims under 35 U.S.C. §103(a)

In the Office Action, claims 1-20, 41 and 42 were rejected as allegedly unpatentable over one or more of Arkin, U.S. Patent Publication No. 2003-0149049; Chalquest, PCT Publication No. WO 01/0054498; Herbert, PCT Publication No. WO 00/025768; Brown, U.S. Patent No. 3,991,064; and/or Rigby, U.S. Patent Publication No. 2002-00773377. This rejection is traversed.

Without agreeing with the rejection(s), Applicants note that the Examiner indicated in the Office Action that the rejection(s) would be overcome if the claims were amended “as set forth . . . under Status of Claims [in the Office Action].” As noted above, claims 1-15 have been cancelled, and claims 17 and 18 have been amended to conform the claims to the scope of the invention identified as being examined by the

Examiner. Claims 16, 20, 41 and 42 depend (directly or indirectly) from claims 17 and 18. Applicants therefore submit that the rejection(s) have been overcome as to all of pending claims 16-18, 20, 41 and 42.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Double patenting rejection

In the Office Action, claims 1-20, 41 and 42 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-6 of co-pending Application No. 11/667,096. This rejection is traversed.

Without agreeing with the rejection, Applicants note that the Examiner indicated in the Office Action that the rejection(s) would be overcome if the claims were amended "as set forth . . . under Status of Claims [in the Office Action]." As noted above, claims 1-15 have been cancelled, and claims 17 and 18 have been amended to conform the claims to the scope of the invention identified as being examined by the Examiner. Claims 16, 20, 41 and 42 depend (directly or indirectly) from claims 17 and 18. Applicants therefore submit that the rejection has been overcome.

Reconsideration and withdrawal of the rejection is proper and the same is requested.

Objection to the claims

In the Office Action, claims 1-20, 41 and 42 were objected to as containing non-elected inventions. This objection is traversed. Applicants consider that the claims as now pending conform to the restriction requirement and the scope of the invention as identified by the Examiner in the Office Action. Applicants therefore consider that the objection does not apply to pending claims 16-18, 20, 41 and 42.

Reconsideration and withdrawal of the objection is proper and the same is requested.

Rejoinder of withdrawn claims and election of species

In the Restriction Requirement dated June 12, 2009 ("Restriction Requirement"), the Examiner indicated that withdrawn process claims that depend from or otherwise require all the limitations of an allowable product claim would be considered for rejoinder. As described herein, Applicants contend that claims 17 and 18 are allowable. Claims 21-30, 33-40 and 43 have been amended to depend from allowable claims 17 and 18 and can therefore be rejoined with the allowable product claims.

Applicants therefore request rejoinder of claims 21-30, 33-40 and 43. In accordance with the Restriction Requirement, which required the selection of a specific disease species having support in the specification, Applicants elect the single disease species of schizophrenia (see, e.g., original claim 27). Applicants submit that at least claims 22, 27 and 37 read on the elected disease species. For purposes of rejoinder, the election of a compound of Group I and the previously-elected compound species is unchanged (see, e.g., the Response to Restriction Requirement filed July 10, 2009).

Favorable consideration of claims 21-30, 33-40 and 43 is requested.

Supplemental Information Disclosure Statement

The Examiner's attention is directed to the Supplemental Information Disclosure Statement (IDS) filed with this paper. Applicants request that the Examiner consider the references cited and return an initialed copy of the IDS to Applicants with the next Office Action or Notice of Allowance.

Conclusion

For at least the foregoing reasons, Applicants contend that the application is in condition for allowance. Early and favorable consideration of the application is earnestly solicited. If the Examiner considers that obstacles to allowance still exist, the undersigned invites the Examiner to contact him at the telephone number given below.

Applicants conditionally request any extension of time necessary for consideration of this response. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith

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(or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Reference No. 65517 (53196), Customer No. 21874.

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Respectfully submitted,

By: /Mark D. Russett/

Mark D. Russett, Registration No.: 41,281

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 239-0100

Attorneys/Agents For Applicants

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